

ORDER WITHDRAWING THE CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in the above-captioned matters issued on November 30, 2020. A hearing before an administrative law judge was scheduled for March 9, 2021.

IT IS HEREBY ORDERED that the Consolidated Complaint and Notice of Hearing is withdrawn and that the disposition of the charges will be addressed in a subsequent correspondence.

DATED: January 29, 2021

Paul J. Murphy, Acting Regional Director National Labor Relations Board Region 01

YOTEL BOSTON

and

Case 01-CA-252905

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) AND (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , INDIVIDUALS

UNITE HERE LOCAL 26

and

Case 01-CB-252936

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) AND (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , INDIVIDUALS

AFFIDAVIT OF SERVICE OF: ORDER WITHDRAWAL THE CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 29, 2021, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Ms. Patricia Berry Yotel Boston 65 Seaport Blvd Boston, MA 02210

Email: <u>boston.contact@yotel.com</u>

UNITE HERE Local 26 101 Station Landing, 4th Fl Medford, MA 02155

Email: info@local26.org

Matthew B. Gilliam, Esq. Angel J Valencia, Atty. National Right to Work Legal Defense Foundation, Inc. 8001 Braddock Rd., Ste 600 Springfield, VA 22160 Email: wlm@nrtw.org

Email: ajv@nrtw.org

Jay P. Krupin, Attorney Baker & Hostetler, LLP 1050 Connecticut Avenue NW, Suite 1100

Washington, DC 20036-5318 Email: jkrupin@bakerlaw.com

Paul Rosenberg, Esq. Baker & Hostetler LLP 45 Rockefeller Plaza New York, NY 10111

Email: prosenberg@bakerlaw.com

Eric B. Myers, Attorney at Law Paul L. More, Attorney at Law McCracken Stemerman & Holsberry LLP

595 Market Street, Suite 800 San Francisco, CA 94105-2821

Email: ebm@msh.law
Email: pmore@dcbsf.com

January 29, 2021 Date Elizabeth C. Person, Designated Agent of NLRB

Name

Elizabeth C. Person

Signature

UNITE HERE! LOCAL 8 (Embassy Suites Management LLC d/b/a Embassy Suites by Hilton, Seattle Downtown Pioneer Square)

and Case 19-CB-227622

(b) (6), (b) (7)(C) an Individual

EMBASSY SUITES MANAGEMENT LLC d/b/a EMBASSY SUITES BY HILTON, SEATTLE DOWNTOWN PIONEER SQUARE

and Case 19-CA-227623

(b) (6), (b) (7)(C) an Individual

ORDER WITHDRAWING CONSOLIDATED COMPLAINT AND NOTICE OF HEARING AND DISMISSING CHARGE

On July 1, 2020, I issued an Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing ("Consolidated Complaint") in the above-captioned matter. The Consolidated Complaint alleges, *inter alia*, that UniteHere! Local 8 ("Respondent Union") and Embassy Suites Management, LLC d/b/a Embassy Suites by Hilton, Seattle Downtown Pioneer Square ("Respondent Employer"), violated § 8(b)(1)(A) and §§ 8(a)(1) and (2) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 *et seq.*, respectively, by entering into and maintaining a Memorandum of Agreement prior to Respondent Union representing an uncoerced majority of the employees employed by Respondent Employer and by Respondent Employer's subsequent recognition of Respondent Union as the collective-bargaining representative of its employees.

At no time since issuance of Consolidated Complaint have the allegations therein violated the Act. Rather, as set forth in the Consolidated Complaint, former General Counsel Peter Robb, pursuant to his prosecutorial discretion, was seeking to have the Board reverse existing case law. Since issuance of the Consolidated Complaint, General Counsel Robb has departed and, on January 25, 2021, President Biden designated Peter Sung Ohr as Acting General Counsel.

The Acting General Counsel, having had the opportunity to revisit the allegations in the Consolidated Complaint, pursuant to his prosecutorial discretion, does not wish to continue the prosecution of this matter given that the Consolidated Complaint does not state a violation of current law. See, e.g., Dana Corp., 356 NLRB 256 (2010), Tecumseh Corrugated Box, 333 NLRB 1 (2001); Coamo Knitting Mills, 150 NLRB 579 (1964). Accordingly,

IT IS HEREBY ORDERED that the Consolidated Complaint and its attendant Notice of Hearing are withdrawn and the underlying Charges in Cases 19-CB-227622 and 19-CA-227623 are dismissed.¹

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequent asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on February 12, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found

DATED at Seattle, Washington, this 29th day of January, 2021.

Ronald K. Hooks, Regional Director

Horald K Hooks

National Labor Relations Board, Region 19

915 Second Ave.

Seattle, Washington 98174

to be timely filed if it is postmarked or given to a delivery service no later than **February 11**, **2021**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely**. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Union provides a good reason for doing so and the request for an extension of time is **received on or before February 12, 2021.** The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **February 12, 2021, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

UNITED ASSOCIATION OF PLUMBERS AND	Cases	19-CE-234627
	Cases	
PIPEFITTERS, LOCAL 32		19-CE-234637
and		19-CE-234641
und		19-CE-234644
NORTHWEST NATIONAL CONSTRUCTION		19-CE-234646
ALLIANCE II, PACIFIC NORTHWEST REGIONAL		19-CE-234648
COUNCIL OF CARPENTERS		19-CE-234650
and		19-CE-234651
		19-CE-234653
BOILERMAKERS LOCAL 502		19-CE-234685
and		19-CE-234687
		19-CE-234691
LABORERS LOCAL 242		19-CE-234692
and		19-CE-234694
CEMENT MASONS & PLASTERERS, LOCAL 528		19-CE-234707
CEMENT MASONS & PLASTERERS, LOCAL 526		19-CE-234712
and		19-CE-234731

INTERNATIONAL ASSOCIATION OF HEAT & FROST INSULATORS AND ALLIED WORKERS, LOCAL 7

and

INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, DISTRICT COUNCIL 5

and

TEAMSTERS UNION LOCAL 174

and

SPRINKLER FITTERS AND APPRENTICES UA LOCAL UNION 699

and

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302

and

BRICKLAYERS & ALLIED CRAFT WORKERS, LOCAL 2

and

SHEET METAL WORKERS LOCAL UNION 66

and

IRONWORKERS LOCAL 86

and

INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, LOCAL 19

and

SEATTLE BUILDING & CONSTRUCTION TRADES COUNCIL

and

UNITED UNION OF ROOFERS, WATER- PROOFERS & ALLIED WORKERS, LOCAL 54

and

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 46

and

THE ASSOCIATED GENERAL CONTRACTORS OF WASHINGTON, Charging Party
GRAHAM CONTRACTING, LTD., Employer

ORDER WITHDRAWING AMENDED CONSOLIDATED COMPLAINT AND NOTICE OF HEARING AND DISMISSING CHARGES

On November 13, 2020, the Acting Regional Director issued an Amended Consolidated Complaint and Notice of Hearing (the "Amended Complaint") in this matter alleging that the United Association of Plumbers & Pipefitters Local 32; Northwest National Construction Alliance II, Pacific Northwest Regional Council of Carpenters; Boilermakers Local 502; Laborers Local 242; Cement Masons & Plasterers, Local 528; International Association of Heat & Frost Insulators and Allied Workers, Local 7; International Union of Painters and Allied Trades, District Council 5; Teamsters Union Local 174; Sprinkler Fitters and Apprentices UA Local Union 699; International Union of Operating Engineers, Local 302; Bricklayers & Allied Craft Workers, Local 2; Sheet

Metal Workers Local Union 66; Ironworkers Local 86; International Union of Elevator Constructors, Local 19; Seattle Building & Construction Trades Council; United Union of Roofers, Waterproofers & Allied Workers, Local 54; and International Brotherhood of Electrical Workers, Local 46 (collectively, "Respondents") have maintained and given effect to an agreement with an unlawful cease doing business object in violation of § 8(e) of the National Labor Relations Act (the "Act"). The allegations in the Amended Complaint were based on a novel legal theory that former General Counsel Peter Robb, pursuant to his prosecutorial discretion, sought to present to the Board.

Since the issuance of the Amended Complaint, President Biden, after removing General Counsel Robb, designated Peter Sung Ohr as Acting General Counsel on January 25, 2021. Having had the opportunity to revisit the allegations in the Amended Complaint, the Acting General Counsel, pursuant to his prosecutorial discretion, does not wish to continue the prosecution of this matter given that the Amended Complaint does not state a violation of current Board law. See, e.g. IBEW Local 3 (New York Electrical Contractors Association, Inc.), 244 NLRB 357, 357-59 (1979). Accordingly,

IT IS HEREBY ORDERED that the Amended Complaint and its attendant Notice of Hearing are withdrawn and the underlying Charges in Cases 19-CE-234627, 19-CE-234637, 19-CE-234641, 19-CE-234644, 19-CE-234646, 19-CE-234648, 19-CE-234650, 19-CE-234651, 19-CE-234653, 19-CE-234685, 19-CE-234687, 19-CE-234691, 19-CE-234692, 19-CE-234694, 19-CE-234707, 19-CE-234712 and 19-CE-234731 are dismissed.¹

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals.

Dated at Seattle, Washington, this 9th day of February, 2021.

Ronald K. Hooks, Regional Director

National Labor Relations Board, Region 19

915 2nd Avenue Seattle, WA 98174

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the Acting General Counsel at the National Labor Relations Board, Attn.: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on February 23, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by deliver service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 22, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Union provides a good reason for doing so and the request for an extension of time is **received on or before February 23, 2021.** The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **February 23, 2021, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

TEAMSTERS LOCAL UNION NO. 174 (United Parcel Service, Inc.)

and Case 19-CB-257433

(b) (6), (b) (7)(C) an Individual

ORDER WITHDRAWING COMPLAINT AND NOTICE OF HEARING AND DISMISSING CHARGE

On May 27, 2020, I issued an Complaint and Notice of Hearing ("Complaint") in the above-captioned matter. The Complaint alleges Teamsters Local Union No. 174 ("Respondent") violated § 8(b)(1)(A) of the National Labor Relations Act ("Act"), 29 U.S.C. § 151 et seq., by failing to provide its represented employees with a good faith determination of the sum amount of reduced fees and dues that Unit employees who decide not to become Union members, also known as *Beck* objectors, must pay in order to comply with the union-security provision of the collective-bargaining agreement. However, at no time since authorization of that Complaint have the allegations violated the Act under existing law. Rather, as articulated in the Complaint, Complaint was authorized because former General Counsel Peter Robb, pursuant to his prosecutorial discretion, sought to have the Board reverse existing case law.

Since issuance of the Complaint, General Counsel Robb has departed. On January 25, 2021, President Biden designated Peter Sung Ohr as Acting General Counsel. Having had the opportunity to revisit the allegations in the Complaint in this case, the Acting General Counsel, pursuant to his prosecutorial discretion, does not wish to continue the prosecution of this matter given that the Complaint does not state a

violation of current law. See, e.g., Dana Corp., 356 NLRB 256 (2010), Tecumseh Corrugated Box, 333 NLRB 1 (2001); Coamo Knitting Mills, 150 NLRB 579 (1964). Accordingly,

IT IS HEREBY ORDERED that the Complaint and its attendant Notice of Hearing are withdrawn and the underlying Charge in Case 19-CB-257433 is dismissed.¹

DATED at Seattle, Washington, this 26th day of February, 2021.

Ronald K. Hooks, Regional Director National Labor Relations Board, Region 19 915 Second Ave., Ste. 2948 Seattle, Washington 98174

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequent asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on March 12, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 11, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Union provides a good reason for doing so and the request for an extension of time is **received on or before March 12, 2021.** The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **March 12, 2021**, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals.

* * * * * * * * * * * * * * * * * * * *	*		
	*		
UNITED STEEL, PAPER, AND FORESTRY,	*		
RUBBER, MANUFACTURING, ENERGY,	*		
ALLIED INDUSTRIAL AND SERVICE	*		
WORKERS INTERNATIONAL UNION	*		
AM/NS CALVERT, LLC	*		
	*		
and	*	Case	15-CB-244598
	*		
(b) (6), (b) (7)(C) an Individual	*		
	*		
and	*		
	*		
AM/NS CALVERT, LLC	*		
(Party in Interest)	*		
* * * * * * * * * * * * * * * * * * * *	*		

ORDER WITHDRAWING COMPLAINT AND NOTICE OF HEARING

IT IS HERBY ORDERED that, pursuant to Section 102.18 of the Board's Rules and Regulations, the Complaint and Notice of Hearing issued in this matter on November 4, 2020, is withdrawn.

DATED this 28th day of January 2021, at New Orleans, Louisiana.

/s/ M. Kathleen McKinney by par

M. KATHLEEN McKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 15
600 SOUTH MAESTRI PL., 7TH FLOOR
NEW ORLEANS, LA 70130-3413

ORDER WITHDRAWING COMPLAINT AND NOTICE OF HEARING

IT IS HERBY ORDERED that, pursuant to Section 102.18 of the Board's Rules and Regulations, the Complaint and Notice of Hearing issued in this matter on September 30, 2020, is withdrawn.

DATED this 28th day of January 2021, at New Orleans, Louisiana.

/s/ M. Kathleen McKinney by par

M. KATHLEEN McKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 15
600 SOUTH MAESTRI PL., 7TH FLOOR
NEW ORLEANS, LA 70130-3413

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, LOCAL 2000 (FORD MOTOR COMPANY)

and

Case 08-CB-245439

(b) (6), (b) (7)(C) an Individual

ORDER DISMISSING COMPLAINT AND WITHDRAWING NOTICE OF HEARING

A Complaint and Notice of Hearing issued in the above-captioned matter on May 11, 2020. Thereafter, the Charging Party requested withdrawal of the charge. Having duly considered the request for withdrawal,

IT IS ORDERED that the Complaint is dismissed and the Notice of Hearing is withdrawn.

Dated: February 12, 2021

JENNIFER A. HADSALL REGIONAL DIRECTOR NATIONAL LABOR RELATIONS BOARD REGION 08 1240 E 9TH ST STE 1695 CLEVELAND, OH 44199-2086

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, LOCAL 2000 (FORD MOTOR COMPANY)

and

Case 08-CB-245439

(b) (6), (b) (7)(C) an Individual

AFFIDAVIT OF SERVICE OF: Order Dismissing Complaint and Withdrawing Notice of Hearing, dated February 12, 2021.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on February 12, 2021, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO, Local 2000 3151 N. Abbe Rd Sheffield Village, OH 44054-2420

James A. Britton, Associate General Counsel International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Local 2000 Law Department 8000 East Jefferson Avenue Detroit, MI 48214-3963

Daniel E Scott International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, AFL-CIO

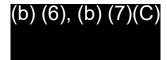
,

Erin Dugan Ford Motor Company 650 Miller Road Avon Lake, OH 44012

(b) (6), (b) (7)(C)



Ford Motor Company One American Road Suite 404-A5 Dearborn, MI 48126



	Enter NAME, Designated Agent of NLRB
Date	Name
	Signature

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, LOCAL 2000 (FORD MOTOR COMPANY)

and

Case 08-CB-245439

(b) (6), (b) (7)(C) an Individual

ORDER DISMISSING COMPLAINT AND WITHDRAWING NOTICE OF HEARING

A Complaint and Notice of Hearing issued in the above-captioned matter on May 11, 2020. Thereafter, the Charging Party requested withdrawal of the charge. Having duly considered the request for withdrawal,

IT IS ORDERED that the Complaint is dismissed and the Notice of Hearing is withdrawn.

Dated: February 12, 2021

JENNIFER A. HADSALL

ACTING REGIONAL DIRECTOR

Jennels Badwall

NATIONAL LABOR RELATIONS BOARD

REGION 08

1240 E 9TH ST

STE 1695

CLEVELAND, OH 44199-2086